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ABSTRACT The first in a series of reports on the exceptional child and government, the publication is compiled from the laws of the 50 states and is specifically directed to the child with learning disabilities. Not included are the laws of states in which the learning disabled receive services when no specific legal provisions are made (an umbrella law covers all exceptional children) or when services have been extended by broadening legal labels such as "crippled," "maladjusted," or "health impaired." The document is updated through 1969; more current information will become available from the State-Federal Information Clearinghouse. Laws are cited from the following states: California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Massachusetts, Nevada, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Washington, and West Virginia. (RJ)

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State Legislation for Children with Learning Disabilities

January 1970

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for Exceptional Children Series on Government
and the Exceptional Child

STATE LEGISLATION FOR CHILDREN WITH LEARNING DISABILITIES

CEC STATE-FEDERAL INFORMATION CLEARINGHOUSE
FOR EXCEPTIONAL CHILDREN SERIES
ON GOVERNMENT AND THE EXCEPTIONAL CHILD

VOLUME I JANUARY 1970

The Council for Exceptional Children
1499 Jefferson Davis Highway, Suite 900, Arlington, Virginia 22202

THE STATE-FEDERAL INFORMATION

CLEARINGHOUSE FOR EXCEPTIONAL CHILDREN

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INTRODUCTION

This publication marks the first in a series of reports on the exceptional child and government prepared by The Council for Exceptional Children's State-Federal Information Clearinghouse for Exceptional Children. Throughout history, societies, as reflected in their governments, have focused attention on those individuals within the society who deviated from the norm. Concepts of treatment for these individuals have been as varied as the societies themselves, ranging from reverence to genocide. In countries such as the United States where government is limited by law, the law has become the vehicle for those of the society who deviate to obtain equality of opportunity. It is the purpose of this series to provide to those who seek to change law information about government and the exceptional child so that they might be able to extend, through law, the resources necessary to provide these children with the opportunity to develop their potentials to the fullest.

The child with learning disabilities is the newest and, perhaps, the most ill-defined newcomer to the generic category of the handicapped. Because of these two problems, the vast number of children affected, and the growing pressure from lay and professional organizations, state legislators have found themselves in a quandry as to legal solutions to these children's needs.

This publication, compiled from the laws of the fifty states, is specifically directed to the child with learning disabilities. It has several important limitations. First, in some states learning disabled children are receiving services when no specific provision is made for them within the law. For example, some states provide for all exceptional children under an umbrella law which does not specifically mention learning disabled children. Other states have through administrative fiat extended services to the learning disabled child by broadening the legal labels, "crippled," "maladjusted," or "health impaired." The laws of the states utilizing such an approach are not contained within this report. However, the reader should not see such approaches as undesirable. It is the belief of the State-Federal Information Clearinghouse for Exceptional Children that laws should be tailored to the unique needs of the particular state, and in such cases the lack of specific learning disability legislation may be perfectly valid. The reader should not construe a correlation between law and program. There are states with no specific learning disabilities legislation which are operating extensive programs; while on the other hand, some states with extensive laws have had very limited program development.

Most importantly, the reader should not limit his vision solely to the laws contained herein. There are many other areas of state law that may be critical to meeting the learning disabled child's educational needs, such as general school construction, transportation, and teacher certification.

The compilation of laws contained within this document was obtained through a new system of legal research--the use of computer retrieval. It is possible through this system to eliminate the many manhours necessary to research the codes of the fifty states. We hope that the

newness of the system and its need for further refinement have not caused us to treat any state unfairly. Also, we realize that law is constantly undergoing change, and for this reason it is impossible to, at any given point, accurately assess the status of law in the fifty states. While we believe this document to be updated through 1969, we realize its currency will be shortlived. More current information will be available from the State-Federal Information Clearinghouse for Exceptional Children.

Finally, we urge the reader to remember that law, although critical, is only one of the resources necessary to make educational opportunity a reality for all learning disabled children. After passage of a law those seeking change must also be willing to sustain their efforts until the services these children need become a reality.

Arlington, Virginia
1970

Frederick Weintraub
Editor

THE FOLLOWING INDEXING [illegible] BEEN USED THROUGHOUT TO HELP [illegible] THE SPECIFIC PROVISIONS WITH[illegible] LAW:

(1) Definition
(2) Special services
(3) Administrative and financial
(4) Advisory committees
(5) Diagnosis and placement
(6) Personnel training

CALIFORNIA

CAL. STATS. TITLE 7, SECTION 821

The county superintendent of schools may contract with any other county superintendent of schools for the purpose of providing the educational services or conducting programs authorized for a county superintendent of schools for the education of educationally handicapped minors, physically handicapped minors, and mentally retarded minors. A contract entered into pursuant to this section shall be approved by each board of education of the counties involved before it may be given effect. *(3)*

CAL. STATS. TITLE 7, SECTION 1064.1

The governing board of any school district required or authorized to maintain special training schools or classes for exceptional minors may, with the approval of the county superintendent of schools, contract with any state college situated within the boundaries of the county within which the school district is located, upon such terms and conditions as may be agreed upon, to provide for the education of such minors in, and for the transportation of such minors to, the laboratory classes for exceptional children established and maintained within or without the boundaries of the school district by or in conjunction with such state college pursuant to Chapter 10 (commencing with Section 24351). As used in this section, "exceptional children" means physically handicapped minors, mentally retarded minors, or educationally handicapped minors required or allowed to be educated pursuant to Chapter 7.1 (commencing with Section 6750), Chapter 8 (commencing with Section 6801), and Chapter 9 (commencing with Section 6901) of Division 6 of this code. *(1,2,3)*

(2) This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

One or more state colleges are planning to establish laboratory classes for exceptional children beginning with the 1968 summer school session. School districts interested in contracting with such a state college, if it is located outside the boundaries of the school districts, for education of such minors residing within the boundaries of the school districts and interested in transporting such minors to and from such laboratory classes presently cannot do so for the reason that there is no statutory authority for such contracts and it is therefore necessary that this act take effect immediately. *(3)*

CAL. STATS. TITLE 7, SECTION 6499.21

The State Board of Education shall, provided that federal funds are available for the purpose or funds have been appropriated therefor by the Legislature, approve and provide for the establishment of not to exceed 20 pilot programs directed to developing methods and techniques for identification of mentally gifted

children within the educationally handicapped and culturally deprived elements of the school-age population, and improving the academic performance of such children.

The programs shall be conducted in selected school districts, including districts in both urban and rural areas, and districts of varying sizes. The programs shall be established and conducted over a period of three consecutive fiscal years, commencing with the 1968-1969 fiscal year, and shall, under the direction of the Director of Compensatory Education and subject to all other provisions of this chapter not inconsistent with this article, be coordinated with and considered an integral part of any other programs of compensatory education being conducted pursuant to this chapter. *(2)*

CAL. STATS. TITLE 7, SECTION 6499.22

Programs established under this article shall have the following essential purposes:

(a) To develop instrumentalities, techniques, and procedures for identifying mentally gifted children and assessing their intellectual potential. The procedure for identifying gifted disadvantaged minors shall not be limited to testing programs, but shall include other suitable methods.

(b) To devise procedures, methods, and programs, whether innovative, experimental, or otherwise, to raise the aspirations and the level of academic achievement of disadvantaged minors who are identified as gifted.

(c) To augment the resources and effectiveness of established compensatory education programs and related educational undertakings. *(2)*

CAL. STATS. TITLE 7, SECTION 6499.23

Upon the identification and selection of gifted disadvantaged minors for participation in programs under this article, the particular problems and needs of the individuals shall be ascertained. *(5)*

CAL. STATS. TITLE 7, SECTION 6499.24

The programs to be provided for gifted disadvantaged minors shall be directed to the problems and needs of the minors, and shall include group activities of an instructive and educational nature; enriched curriculum and instruction, including new approaches to language development, reading, science, mathematics, and other academic subjects; parental participation or involvement; field trips; and auxiliary services, including guidance, counseling and health services. Experimentation in grouping of pupils, as means of enhancing the effectiveness of the programs, may be undertaken in connection with any or all of the program activities. *(2)*

CAL. STATS. TITLE 7, SECTION 6499.25

In-service education and training of instructional and staff personnel shall be an integral element of programs established under this article.

The assistance and participation of public and private institutions of higher education shall be secured to the extent practicable.

The Director of Compensatory Education shall require the submission, by the governing boards of the school districts in which programs under this article are established, of periodic reports concerning the nature and scope of the programs and evaluating their effectiveness. He shall direct the continuing review and evaluation of the programs. *(3,6)*

CAL. STATS. TITLE 7, SECTION 6499.26

The governing board of a school district, in any application for available federal and state funds submitted for purposes of this chapter, may include a request for funds for purposes of a program established pursuant to this article. *(3)*

CAL. STATS. TITLE 7, SECTION 6499.27

On or before the 10th legislative day of the 1970, 1971, and 1972 Regular Sessions of the Legislature, the Department of Education shall submit to each house thereof a report concerning the pilot programs established pursuant to this article, and the effectiveness thereof. *(3)*

CAL STATS. TITLE 7, SECTION 6750

As used in this chapter, "educationally handicapped minors" are minors, other than physically handicapped minors (as defined in Sections 6801 and 6802 of this code) or mentally retarded minors (as defined in Sections 6901, 6902, and 6903 of this code) who, by reason of marked learning or behavioral problems or a combination thereof, cannot receive the reasonable benefit of ordinary education facilities. *(1)*

CAL. STATS. TITLE 7, SECTION 6751

The governing board of any school district may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this section. A county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district to provide any one or more of such special educational programs for the district, or the county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district to provide only those special educational programs for the district which are set forth in subdivison (a), (c), or (d), or any combination thereof. Whenever a special educational program, for educationally handicapped pupils set forth in subdivision (a) or (d) of this section is provided by a county superintendent of schools for a district with an average daily attendance of 901 or more in the elementary schools of the district or is 901 or more in the high schools of the district, pursuant to an agreement entered into pursuant to Section 6753, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special education program. Such programs shall be provided in accordance with standards for each approved by the State Board of Education. The special educational programs for educationally handicapped minors are:

(a) Special classes (elementary and secondary). Under this program educationally handicapped pupils unable to function in a regular class are assigned to a special class. The special class shall be maintained for at least a minimum schoolday. In this program fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group remedial instruction given by a special teacher.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary). Under this program specialized consultation is provided teachers, counselors and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hospital or in a regularly established licensed children's institution. *(2,3)*

CAL. STATS. TITLE 7, SECTION 6752

A school district maintaining special educational programs for educationally handicapped minors shall not enroll at any given time more than 2 percent of total district enrollment in such programs except as permitted by special authorization of the Superintendent of Public Instruction. As used in this section, total district enrollment means the average number of pupils enrolled at the end of the first school month and the sixth school month of the school year. *(3)*

CAL. STATS. TITLE 7, SECTION 6753

The governing board of a school district which has an average daily attendance of less than 901 in the elementary schools of the district or less than 901 in the high schools of the district may enter into agreement with the county superintendent of schools to provide special educational programs for educationally handicapped minors. The governing board of a school district may enter into agreements with the governing boards of other school districts for the education of educationally handicapped minors. The district of residence having pupils receiving special education under the provisions of this section shall pay all current expenses entailed in providing such special education which are over and above all state apportionments made to the county superintendent or school district providing the program. *(3)*

CAL. STATS. TITLE 7, SECTION 6754

Before initiating any program for educationally handicapped minors the governing board of a school district or county superintendent of schools shall notify the Superintendent of Public Instruction of its intention to do so and shall furnish such relevant information with respect to such proposed special education programs as may be required by the Superintendent of Public Instruction. Such notice and such information shall be on forms provided by the Superintendent of Public Instruction. *(3)*

CAL. STATS. TITLE 7, SECTION 6755

(a) No minor shall be required to participate in a program for educationally handicapped minors unless the parent or guardian of the minor files prior written consent to such participation with the governing board of the school district.

(b) Admission of educationally handicapped minors to programs established under the provisions of this chapter shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon the recommendation of an admissions committee which shall include a teacher, a school nurse or social worker, a school psychologist or other pupil personnel worker authorized to serve as a school psychologist, a principal or supervisor and a licensed physician. *(5)*

CAL. STATS. TITLE 7, SECTION 6756

The State Board of Education shall adopt rules and regulations which shall prescribe standards for the individual identification and evaluation of educationally handicapped minors and their ad-

mission to special education programs for educationally handicapped minors. In arriving at such standards the State Board of Education shall receive assistance from an advisory committee consisting of one member from the State Department of Education, one member from the State Department of Mental Hygiene and one member from the State Department of Public Health, such members to be appointed by the heads of the respective departments named. In addition, such advisory committee may consist of such additional members as are appointed by the State Board of Education. *(4,5)*

CAL. STATS. TITLE 7, SECTION 6757

The State Board of Education shall adopt rules and regulations which shall prescribe standards for special educational programs for educationally handicapped minors which shall include, but need not be limited to, enrollment limits, curriculum content and teacher qualifications for each type of program authorized pursuant to this chapter, and provisions for periodic examination, re-evaluation, transfer and discharge of educationally handicapped minors participating in special educational programs maintained under the provisions of this chapter. *(3)*

CAL. STATS. TITLE 7, SECTION 6759

The Superintendent of Public Instruction shall establish supervisory and consultative services for programs for educationally handicapped minors and shall employ personnel who shall devote their entire time to the provision of such services. *(3)*

CAL. STATS. TITLE 7, SECTION 6761

The Superintendent of Public Instruction shall:

(a) Prescribe the form and manner of notification of intention to initiate a program.

(b) Prescribe the procedures for qualifying for allowances for special regular day classes, and for authorized instruction in other than special regular day classes of educationally handicapped minors. *(3)*

CAL. STATS. TITLE 7, SECTION 6871

With the approval of the county superintendent of schools, . . . and any school district having an educationally handicapped minor for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such minor toward the tuition for such minor, enrolled in a public or private nonsectarian school, institution, or agency within or outside of California offering the special education facilities and services made necessary by the minor's disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowable per unit of average daily attendance for the particular category under subdivisions (2) and (3) of

Section 18102, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the current expense of education of a normal child in the schools of the district. For purposes of computing the amount per unit of average daily attendance provided from revenue derived from district taxation, there shall be excluded amounts produced by rates levied for special or restricted purposes, such as the rates levied pursuant to Sections 1822.2, 1825,16633,16635,16645.9, 19443,19619, 20801 to 20802.8, inclusive, 20806, and 20807, and there shall be included amounts produced by rates levied for general districtwide current support purposes, including the rates levied pursuant to Sections 20808 and 20808.5. As used in this article "tuition" includes the cost to the parent or guardian of transporting a minor enrolled in a public or private nonsectarian school, institution, or agency under this section to and from school.

The provisions of this section shall be applicable as well to situations where the special educational facilities and services are available but are an unreasonable distance away from the home of the minor. The Superintendent of Public Instruction shall adopt rules and regulations to implement the determination of the unreasonableness of such cost and distance, and any other rules and regulations deemed necessary by him for the effective administration of this chapter. The county superintendent of schools shall make a finding as to the unreasonableness of such cost or distance for the school districts within his jurisdiction and shall report such findings to the Superintendent of Public Instruction, who, if he approves such findings, shall authorize payments pursuant to this section and Sections 6872 and 6873.

Priority in providing special education facilities and services shall be given to public school, or state-operated, programs. State and school district support for an exceptional child's education at a private nonsectarian school, institution, or agency shall be approved pursuant to this chapter only if no publicly operated programs are available to the minor within a reasonable distance from his residence, or if such programs do not meet the specialized needs of the minor, as determined under the procedures established by this chapter. Priority in approving private nonsectarian schools, institutions, or agencies shall be given to the nearest such school, institution, or agency from where the parent or guardian of the exceptional child resides and which provides training and education as defined in Section 6870.

In instances where public funds are paid to the parent or guardian of a minor pursuant to this section, toward the tuition of such minor enrolled in a private nonsectarian school, institution, or agency, the school institution, or agency enrolling such minor shall at the end of each school year submit a written progress report on each such minor on forms provided by the Superintendent of Public Instruction, and shall forward such forms to the county superintendent of schools of the county authorizing placement. Such reports shall be used by the county superintendents of schools to determine continued eligibility for placement and reimbursement under this chapter. *(2,3)*

CAL. STATS. TITLE 7, SECTION 6873

Upon verification of the attendance reported and the claim sub-

mitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the amount allowable per unit of average daily attendance for the particular category under subdivisions (2) and (3) of Section 18102. In the case of a multiply handicapped minor the amount apportioned shall not exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the amount allowable per unit of average daily attendance under subsection (f) of subdivision (3) of Section 18102. The apportionments shall be made from the funds reserved under the provisions of subdivision (c) of Section 17303.5 for each fiscal year immediately following the fiscal year in which the attendance occurs. *(3)*

CAL. STATS. TITLE 7, Section 6874

No claim shall be satisfied by the Superintendent of Public Instruction for the education of an exceptional child under this chapter unless the school, institution, or agency which the child will attend meets minimum educational standards established by the State Board of Education pursuant to Section 6874.5 *(3)*

CAL. STATS. TITLE 7, SECTION 6874.5

Except as otherwise provided in Section 6874.6, the State Board of Education shall adopt, by rules and regulations, minimum educational standards which shall be met by any school, institution, or agency enrolling an exceptional child under the provisions of this chapter. Such minimum standards shall relate solely to the educational program to be offered by the school, institution, or agency. *(3)*

CAL. STATS. TITLE 7, SECTION 6941

As used in this chapter, "handicapped children" means any of the following:

. . . (d) educationally handicapped minors as defined in Chapter 7.1 (commencing with Section 6750) of this division. *(1)*

CAL. STATS. TITLE 7, SECTION 6942

To compile sufficient information regarding handicapped children in order to assure these children of educational programs, on or before April 30, 1968, and April 30 of each year thereafter, the governing board of each school district shall make a report to the county superintendent of schools with jurisdiction over the district of each of the handicapped children who fall within any of the following categories for the fiscal year for which the report is made:

(a) Each handicapped child who is participating in a special class, school, or program of the school district for handicapped children.

(b) Each handicapped child who is not within the purview

of subdivision (a), but whose parent, parents, guardian or other person having control or charge of the child applied to the school district for enrollment of the child in a special class, school, or program of the district for handicapped children. If the child was denied enrollment, the report shall so state. As used in this subdivision "applied" includes an interview by school personnel of the district of the parent, parents, guardian or other person having charge of the child. *(3)*

CAL. STATS. TITLE 7, SECTION 6943

The report required by subdivision (a) of Section 6942 may be limited to the particular programs in which pupils are participating and the numbers which are participating in each. The report required by subdivision (b) of Section 6942 shall contain all of the following information relative to each of the handicapped children reported:

(a) Name.
(b) Address.
(c) Date of birth.
(d) Names of the parent,parents, guardian or other person having control or charge of the child.
(e) Handicaps of the child insofar as they are known to the school district.
(f) Special class, school, or program, if any, in which the child is enrolled, with a statement of any suspensions of 10 days or more or expulsions from such special class, school or program suffered by the child. *(3)*

CAL. STATS.TITLE 7, SECTION 6944

On or before June 30, 1968, and June 30 of each year thereafter, the county superintendent of schools of each county shall report for the fiscal year in which the report is made, to the Superintendent of Public Instruction, all of the handicapped children in the area under his jurisdiction who fall within the categories specified by Section 6941, including each of those handicapped children who are participating in a special class, school, or program provided by the county superintendent of schools, and each of those handicapped children who are not so participating, but for whom application for enrollment therein was made by the parent, parents, guardian or other person having charge or control over the child.

The report required pursuant to this section shall contain all of the information required by Section 6943 relative to each child reported, and in addition shall specify the school district which submitted such information to the county superintendent of schools pursuant to Section 6942. *(3)*

CAL. STATS. TITLE 7, SECTION 6945

The governing board of each school district shall adopt rules and and regulations to require the officers and employees of the district to gather the information required to be reported to the county superintendent of schools by this chapter. *(3)*

CAL. STATS. TITLE 7 SECTION 6946

The Superintendent of Public Instruction shall adopt rules and regulations specifying the form of the reports required of school districts and the county superintendent of schools by this chapter. *(3)*

CAL. STATS. TITLE 7, SECTION 7785

Commencing with the school years 1965-66, the State Board of Education shall require that uniform tests to determine achievement of basic reading fundamentals and skills shall be administered to all pupils who are completing the first and second grades. The State Board of Education shall adopt rules and regulations governing the time, place, and methods for administration of the testing program.

Uniform tests for each grade shall be recommended by the Department of Education and shall be submitted to the State Board of Education for approval and adoption no later than January 31, 1966. Any test so adopted shall be in national use and nationwide norms shall have been developed for such test. The tests which have been approved and adopted by the board shall be printed or purchased, and distributed to the various school districts in the state by the Department of Education.

Pupils who have been determined to be mentally retarded or educationally handicapped, as defined in this code, shall be exempted from the testing requirement imposed by this chapter.

The testing program imposed by this chapter shall be used exclusively for the purposes herein set forth, and no test scores or results shall be employed to rank school districts according to their test results in any publication, other than a publication which may be made necessary in order to effectively administer this chapter.

The tests administered pursuant to this article shall be employed to determine each school district's quota of specialist reading teachers, as required by Article 3 (commencing with Section 7790) of this chapter. *(3)*

CAL. STATS. TITLE 7, SECTION 11008

With respect to educationally handicapped pupils provided instruction pursuant to Chapter 7.1 (commencing with Section 6750), Division 6 of this code, the minimum school day in kindergarten is 180 minutes; in grades one, two, and three in elementary schools, is 200 minutes; and in grades four, five, six, seven and eight in elementary schools, is 240 minutes. *(3)*

CAL. STATS. TITLE 7, SECTION 11054

With respect to educationally handicapped minors provided instruction pursuant to Chapter 7.1 (commencing with Section 6750), Division 6 of this code, the minimum school day in any high school is 240 minutes. *(3)*

CAL STATS. TITLE 7, SECTION 11226

Attendance of educationally handicapped minors, as identified pursuant to Chapter 7.1 (commencing with Section 6750), Division 6, in a graded special class for the same number of minutes as constitute a day of attendance in the same grade of regular classes shall constitute a day of attendance. Each clock hour of teaching time devoted to individual instruction of educationally handicapped minors shall count as one day of attendance. The average daily attendance of all educationally handicapped minors shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district. *(3)*

CAL. STATS. TITLE 7, SECTION 11227

With respect to educationally handicapped minors given instruction at home, in a hospital, or in a regularly established, licensed children's institution, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of attendance. No provision of this chapter (commencing at Section 10951) limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils, but no such pupil will be given individual instruction for more than three hours in any one day or credited with more days of attendance during any fiscal year than the number of days the regular day schools of the district were maintained during such fiscal year. *(3)*

CAL. STATS. TITLE 7, SECTION 11228

The attendance of all educationally handicapped minors given instruction by a school district shall be reported annually to the county superintendent of schools together with all other attendance on forms provided by the Superintendent of Public Instruction. *(3)*

CAL. STATS. TITLE 7,SECTION 11229

The attendance of educationally handicapped minors instructed by the county superintendent of schools pursuant to Section 6751 shall be credited as follows:

(a) The attendance of elementary pupils taught in special classes maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency elementary school for special class instruction of such pupils. The attendance of pupils of secondary grade in special classes maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency secondary school for special class instruction for such pupils.

(b) The attendance of elementary pupils in learning disability groups maintained for educationally handicapped minors shall be credited to the county school service fund as attendance upon a single emergency elementary school for learning disability group instruction of educationally handicapped minors. The attendance of pupils of secondary grade in learning disability groups maintained for educationally handicapped pupils shall be credited to

the county school service fund as attendance upon a single emergency secondary school for learning disability group instruction of educationally handicapped minors.

(c) The attendance of elementary pupils given instruction in the home, hospital, or a regularly established licensed children's institution shall be credited to the county school service fund as attendance upon a single emergency elementary school for home, hospital, or a regularly established licensed children's institution instruction of educationally handicapped minors. The attendance of pupils of secondary grade given instruction in the home, hospital, or a regularly established licensed children's institution shall be credited to the county school service fund as attendance upon a single emergency secondary school for home, hospital, or a regularly established licensed children's institution instruction of educationally handicapped minors. *(3)*

CAL. STATS. TITLE 7, SECTION 11555

The average daily attendance of educationally handicapped elementary minors given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175. *(3)*

CAL. STATS.TITLE 7, SECTION 11556

The average daily attendance of educationally handicapped minors of secondary grade given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175. *(3)*

CAL. STATS. TITLE 7, SECTION 18101

The Superintendent of Public Instruction shall allow, during the current fiscal year, to each school district and county superintendent of schools maintaining special regular day classes for the education of . . . ,and educationally handicapped minors (as defined by Section 6750), the amounts prescribed by this article for each of the respective types of classes maintained for the fiscal year. *(3)*

CAL. STATS. TITLE 7, SECTION 18102

(1) The Superintendent of Public Instruction shall allow to each school district and each county superintendent of schools, for each special day class, maintained during the current fiscal year, of the size prescribed by the State Board of Education for the particular category of handicapped pupils involved, an amount as follows:

. . . (c) For educationally handicapped minors (as defined by Section 6750)_____$13,680

(2) Insofar as practicable, the attendance in each school district of the particular categories of minors enumerated in subdivision (1) shall be concentrated in a minimum number of such classes. For any special day class for educationally handicapped minors or physically handicapped minors in which are enrolled fewer than one-half

of the number of pupils prescribed by the State Board of Education as the appropriate class size for the particular category of minors involved, there shall be allowed to the district, in lieu of the allowance specified in subdivision (1) an amount of one thousand one hundred forty dollars ($1,140) per pupil in average daily attendance in each such class for educationally handicapped minors in the current fiscal year, . . .

(3) In addition to the allowances provided under subdivisions (1) and (2), the following amounts per pupil in average daily attendance in the current fiscal year shall be allowed to each school district and county superintendent of schools:

(a) For instruction of educationally handicapped minors in learning disability groups, one thousand eight hundred eighty dollars ($1,880).

(b) For instruction of educationally handicapped minors in homes or in hospitals, one thousand five hundred ninety dollars ($1,590). . . .

(4)(a) The allowances provided under subdivisions (1), (2), and (3), may be increased proportionately on account of special day classes convened, or other instruction provided a pupil, for days in a school year which are in excess of the number of days in the school year on which the regular day schools of a district are convened.

(b) The Superintendent of Public Instruction shall compute for each applicant school district and county superintendent of schools in providing in such year a program of specialized consultation to teachers, counselors, and supervisors for educationally handicapped minors who come within the provisions of subdivision (c) of Section 6751, an amount equal to the product of the average daily attendance of pupils enrolled in such programs in subdivision (a) of this section and ten dollars ($10). *(3)*

CAL. STATS. TITLE 7, SECTION 18355

The Superintendent of Public Instruction shall allow, in addition to all other allowances to the county school service funds:

. . . (d) for all schools and classes for educationally handicapped minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of the elementary school district under Section 17655.5 or Section 17656.. . . *(3)*

CAL. STATS. TITLE 7, SECTION 18358

For all . . . and educationally handicapped minors of secondary grade educated by the county superintendent of schools . . . , the Superintendent of Public Instruction shall allow the same amount as he would compute for the foundation program of a high school district under Section 17665. *(3)*

CAL. STATS. TITLE 7, SECTION 19681

Not to exceed 3 1/2 percent of any sum appropriated by the Legislature at the 1952 Second Extraordinary Session and not to exceed 3 1/2 percent of the proceeds of the sale of any state bonds for state school building aid, including the proceeds of bonds authorized by Section 17 of Article XVI of the California Constitution, may be expended pursuant to this article (Sections 19681 to 19689, inclusive) for assistance to school districts in providing necessary housing and equipment for the education of exceptional children.All the provisions of Articles 1 and 2 of this chapter (Sections 19551 to 19667, inclusive), except Sections 19556 and 19581, shall apply to this article (Sections 19681 to 19689, inclusive) unless otherwise provided herein. *(3)*

CAL. STATS. TITLE 7, SECTION 19682

As used in this article (Sections 19681 to 19689, inclusive), "exceptional children" means physically handicapped minors, mentally retarded minors, or educationally handicapped minors required or allowed to be educated pursuant to Sections 6801 to 6855, inclusive, Sections 6901 to 6919, inclusive, and Sections 6750 to 6762, inclusive. *(1)*

CAL. STATS. TITLE 7, SECTION 19683

Allocations under this article (sections 19681 to 19689,inclusive) may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, aphasic, deaf, hard of hearing, mentally retarded, orthopedically handicapped, cerebral palsied, speech handicapped, or educationally handicapped.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although their legal residence may be outside the district and who are educated pursuant to Section 6805.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be educated by the district, excluding mentally retarded minors within the provisions of Section 6902 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 19590 concerning outstanding bonded indebtedness.

Allocations for housing and equipment for minors having speech defects or disorders shall be allowed only in new schools constructed after July 1, 1968. Such housing and equipment shall be designed and provided to permit their utilization for remedial and other special services including speech therapy, speech reading (lipreading) and auditory training for the speech and hearing handicapped, screening and testing for speech and hearing defects, or both, psychological testing of exceptional children, subject matter tutoring of exceptional children, and other specialized activities required by such

children. In addition to the maximum building area allowances provided in Sections 19583, 19585, 19586, and 19587, not more than an additional 200 square feet of building area shall be allowed for each new school so planned and constructed. (3)

CAL. STATS. TITLE 7, SECTION 19683.5

Notwithstanding any provisions of this article to the contrary, apportionments for the construction of facilities and the purchase of essential furniture and the equipment for the education of exceptional children may, subject to the approval of the Department of Education, be made to any school district not otherwise eligible to receive apportionments under Articles 1 and 2 of this chapter, for the education of blind, partially seeing, aphasic, deaf, hard-of-hearing, mentally retarded, orthopedically handicapped, cerebral palsied, and educationally handicapped minors.

. . . Except as otherwise provided in this section, not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: 50 percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and at such interest rate over such period as the State Allocation Board may determine, not to exceed 20 years from the date the apportionment became final. In any school year in which 50 percent or more of the pupils in average daily attendance, as determined by the county superintendent of schools, and served by such facilities are not pupils from districts other than the applicant district, the repayment for the succeeding fiscal year shall be an amount which would have been payable if such districts had been require d to repay 100 percent of the apportionment over such period.

The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repav the apportionment made under this section for the construction of such facility, an amount equal to 80 percent of the amount the district is required to repay in said fiscal year with respect to the apportionment described above.

The county board of supervisors shall raise the amount required through a general tax levy on the property within the participating districts, or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay, or through a combination of these.

The county superintendent of schools shall notify the county board of supervisors of his intention to approve a school district's application for an allocation under this article before he approves the application. (3)

CAL. STATS. TITLE 7, SECTION 26401

There are two schools for neurologically handicapped children known and designated as Diagnostic School for Neurologically Handicapped

Children, Northern California, and Diagnostic School for Neurologically Handicapped Children, Southern California. (3)

CAL. STATS. TITLE 7, SECTION 26402

The diagnostic schools for neurologically handicapped children are a part of the school system of the state, except that they derive no revenue from the Public School Fund, and have for their object diagnosis, and the determination of the treatment, and educational program of children with neurological handicaps. These schools provide temporary residence for children who, by reason of their handicaps, need educational diagnostic services not avaiable in regular public school classes. (2)

CAL. STATS. TITLE 7, SECTION 26403

The schools are under the administration of the Director of Education. (3)

CAL. STATS. TITLE 7, SECTION 26404

The Director of Education in relation to the diagnostic schools for neurologically handicapped children shall:

(a) Prescribe rules for the government of the schools.

(b) Appoint the superintendents and other officers and employees.

(c) Remove for cause any officer, teacher or employee.

(d) Fix the compensation for teachers.

(e) Determine the length of, and the time for, vacations of teachers.

(f) Contract with the University of California or with other public or private hospitals or schools of medicine for the establishment and maintenance of diagnostic service and treatment centers for neurologically handicapped children. (3)

CAL. STATS. TITLE 7, SECTION 26451

The powers and duties of the superintendents of the schools are such as are assigned to them by the State Director of Education. (3)

CAL. STATS. TITLE 7, SECTION 26452

The Director of Education may, in cooperation with an accredited college or university, authorize the California schools for neurologically handicapped children to establish and maintain teacher training courses designed to prepare teachers to instruct neurologically handicapped children in special classes in the public school system. The Director of Education, in cooperation with an accredited college or university, shall prescribe standards for the admission of persons to the courses, and for the contents of the courses. Courses conducted in the schools shall be counted toward requirements of a credential in the area of the educationally handicapped upon establishment of such a credential. (6)

CAL. STATS. TITLE 7, SECTION 26501

Every resident minor in California, of suitable age and capacity, as determined by means of diagnosis at the diagnostic and treatment schools for neurologically handicapped children, is entitled to enrollment in a school for neurologically handicapped children, free of charge.

Children with neurological handicaps, not residents of California, may be admitted to the benefits of the schools upon paying to the State Department of Education, quarterly in advance, the actual support cost at the average cost of maintaining pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of General Services. *(3)*

COLORADO

COLO. STATS. TITLE 123, SECTION 123-22-3

(1) Unless otherwise indicated by the context, the following words and phrases when used in this article shall have the meanings respectively ascribed to them in this section.

. . . (4) "Educationally handicapped children" means those persons between the ages of five and twenty-one who are emotionally handicapped or perceptually handicapped, or both, and who require special educational programs. . . . *(1)*

COLO. STATS. TITLE 123, SECTION 123-22-4

Costs of educating handicapped children under this article shall include the compensation of special class teachers, itinerant teachers, speech correctionists, supervisors of special programs as provided by this article, directors of special education, the costs of consultation and evaluation by psychiatrists, psychologists, and social workers,individual instruction in hopsitals and homes, whether such instruction is rendered by a teacher or home-to-school equipment, maintenance in licensed foster homes, and transportation to and from schools; but no state moneys distributed pursuant to this article for such costs shall be expended for the erection or repair of school buildings in any school district, or for medical care. *(3)*

COLO. STATS. TITLE 123, SECTION 123-22-5

This Article shall be administered by the State Board, which shall maintain sufficient qualified personnel to supervise the provisions hereof, utilizing the existing facilities of the State Departments of Health, Welfare, Rehabilitation, and Institutions, when possible and needed. The State Board shall have authority to adopt reasonable rules and regulations for the administration of this Article. *(3)*

COLO. STATS. TITLE 123, SECTION 123-22-6

The State Board shall prescribe the minimum physical facilities required for special educational programs authorized by this Article. It shall determine the diagnostic criteria for enrollment in programs, prescribe minimum and maximum enrollments, and require that all special program personnel hold a valid certificate or a letter of authorization issued pursuant to law with an appropriate endorsement thereon. *(3)*

COLO. STATS. TITLE 123, SECTION 123-22-7

. . . (3) The determination of existence of an educational handicap shall be made, with the consent of the parent or guardian of the child, by a committee of professionally qualified personnel appointed by the board of education of the school district. The composition of said committee shall be prescribed by the state board and may be composed of but not limited to the following: A psychologist, a social worker, a physician, a school administrator, and a teacher of the educationally handicapped.

(4) If no special program shall exist in the school district of residence of any handicapped child, the parent or guardian , or the board of education of such school district, may make application for enrollment of such child in a special educational program existing in another school district. Upon determination of eligibility and capability of receiving benefits from enrollment in such a program, and upon approval of both boards of education of such school districts, said child may be enrolled in such program.

(5) final approval of the enrollment of any eligible handicapped child in a special educational program shall be made by the board of education of the school district providing such program and such child may be enrolled for a trial period not exceeding nine months. *(3,5)*

COLO. STATS. TITLE 123, SECTION 123-22-8

Any school district may establish a special program for the education of handicapped children or any classification thereof, and 2 or more school districts may contract with each other to establish and maintain a special educational program pursuant to law for the education of handicapped children, sharing the costs thereof in accordance with the terms of the contract agreed upon. *(3)*

COLO. STATS. TITLE 123, SECTION 123-22-9

For each child enrolled in a special program for handicapped children in a school district other than the school district of residence, the State Board may pay to the school district of residence for the maintenance in a foster home of each such child an amount not exceeding $800 per school year, or in lieu of maintenance, 1/2 the cost of transportation of such child as provided in Section 123-22-11. Payment for maintenance in a foster home shall be made only in case the parent or guardian of the child does not maintain a residence within the school district wherein the child is enrolled. Such placement shall be made only in a foster home licensed by the State Department of Public Welfare. *(3)*

COLO. STATS. TITLE 123, SECTION 123-22-10

Special instructional services for handicapped children who are hospitalized or homebound may be provided by any school district in which such children are residents. School districts providing such approved services may be reimbursed by the state board up to eighty per cent of the salaries paid teachers for such services and up to eighty per cent of the cost of home-to-school equipment which may be either a home-to-school telephone or any other similar device. The State Board shall approve any home-to-school telephone or similar device before it is installed and put into operation. *(3)*

COLO. STATS. TITLE 123, SECTION 123-22-11

(1) The board of education of each school district which is eligible for reimbursement under any provisions of this article shall file with the state board on or before July 15 of each year, a report which contains a statement of the costs of approved personnel who have participated in approved special educational programs, the costs of maintenance in foster homes, the costs of transportation, and the costs of home-to-school equipment used for instruction at home or

hospital, to the extent such costs are directly allocable to services rendered in connection with a special education program.

(2)(a) A school district which maintains and operates special educational programs approved by the State Board of Education for the education of . . . , educationally handicapped, . . . children, as defined by Section 123-22-3 shall be entitled for reimbursement for:

(b) Eighty per cent of the compensation of approved personnel and the costs of home-to-school equipment;

(c) Fifty per cent of the cost of any approved special transportation provided for handicapped children, after other funds provided by the state are deducted;

(d) The full amount of the cost of maintenance of a child in a licensed foster home, not to exceed eight hundred dollars per school year.

(3) In the event appropriations shall be insufficient to cover reimbursements provided for in subsection (2) of this section, all approved reimbursements, except those for maintenance in a foster home, which shall always be fully reimbursed, shall be prorated on the basis of total claims submitted in proportion to funds available for reimbursement.

(4) Payments under the provisions of this article shall in no way affect the amount of other state aid for which a school district may qualify. *(3)*

C O N N E C T I C U T

CONN. STATS. TITLE 10, SECTION 10-76a

Whenever used in this act:

(a) "Secretary" means the secretary of the state board of education.

(b) "Child" means any person under twenty-one years of age.

(c) An "exceptional child" means a child who deviates either intellectually, physically, socially, or emotionally so markedly from normally expected growth and development patterns that he is or will be unable to progress effectively in a regular school program and needs a special class, special instruction or special services.

(d) "Special education" means special classes programs or services designed to meet the educational needs of exceptional children in accordance with the regulations of the secretary, subject to approval by the state board of education.

(e) "Children requiring special education" includes any exceptional child who (1) is mentally retarded, physically handicapped, socially and emotionally maladjusted, neurologically impaired, or suffering an identifiable learning disability which impedes his rate of development, which disability is amenable to correction or which rate of development may be improved by special education, or . . . .

. . . (h) A "socially and emotionally maladjused child" or "neurologically impaired child" is one who is incapable of fully profiting from the general educational programs of the public schools because of some serious social or emotional handicap or an impairment of the nervous system, respectively, as defined by regulation by the state board of education, but who is expected to profit from special education.

(i) "School age children" are those who have attained the age at which the town must commence to provide educational opportunities pursuant to section 10-186 of the general statutes.

(j) "Learning disabilities" . . . shall be defined by regulation by the secretary, subject to the approval of the state board of education, after consideration by him of the opinions of appropriate specialists and of the normal range of ability and rate of progress of children in the Connecticut public schools. *(1)*

CONN. STATS. TITLE 10, SECTION 10-76b

(a) The state board of education shall provide for the development and supervision of the educational programs and services for children requiring special education and may regulate curriculum, conditions of instruction, physical facilities and equipment, class composition and size, admission of students, and the requirements respecting necessary special services and instruction to be provided by the town and regional boards of education. Said board shall supervise the educational aspects of the training of all children requiring special education who are residing in or attending any child- caring

institution receiving money from the state.

(b) The secretary shall designate by regulation, subject to the approval of the state board of education,the procedures which shall be used to identify exceptional children.

(c) Said board shall be the agency for cooperation and consultation with federal agencies, other state agencies, and private bodies on matters of public school education of children requiring special education, provided the full responsibilities for other aspects of the care of such children shall be reserved to such other agencies. (3.

CONN. STATS. TITLE 10, SECTION 10-76d

(a) In accordance with the regulations and procedures established by the secretary and approved by the state board of education, each town or regional board of education shall provide the professional services requisite to identification of school age children requiring special education, identify each such child within its jurisdiction, determine the eligibility of such children for special education pursuant to Sections 10-76a to 10-76g, inclusive, and prescribe suitable educational programs for eligible children, maintain a record thereof and make such reports as the secretary may require. No school age child requiring special education shall be excluded or exempted from school privileges except with the express approval of the secretary based upon appropriate professional advice. Said secretary shall immediately report any child so excluded or exempted to any state agency responsible by law for any aspect of the welfare of such child.

(b) In accordance with the regulations of the state board of education, each town and regional school district shall:

(1) provide special education for school age children, requiring special education who are described in subdivision (1) of subsection (e) of section 10-76a. The obligation of the school district under this subsection shall terminate when such child is graduated from high school or reaches age twenty-one, whichever occurs first;

(2) provide special education for children requiring special education who are described in subdivision (1) of subsection(e) of section 10-76a and who have not attained school age, but whose educational potential will be irreparably diminished without special education at an early age. The state board of education shall define the criteria by which the town or regional district shall determine whether a given child is eligible for special education pursuant to this subdivision and such determination shall be made by the district when requested by a parent or guardian or upon referral by a physician, clinic or social worker provided the parent or guardian so permits.

. . . (d) To meet its obligations under Sections 10-76a to 10-76g, inclusive, any town or regional board of education may make agreements with another such board or subject to the consent of the parent or guardian of any child affected thereby make agreements with any private school or public or private agency or institution to provide the necessary programs or services, but no expenditures made pursuant to a contract with a private school, agency, or institution for such special education shall be reimbursable under the provisions of Sec-

tion 10-76g unless the educational needs of the child for whom special education is being provided cannot be met by public school arrangements in the opinion of the secretary who before granting approval of said contract for the purposes of reimbursement shall consider such factors as the particular needs of the child, the suitability and efficacy of the program offered by such private school, agency or institution, and the economic feasibility of comparable alternatives. Any town or regional board of education may enter into contract with the owners or operators of any sheltered workshop or rehabilitation center for provision of an education occupational training program for children requiring special education who are at least sixteen years of age, provided such workshop or institution shall have been approved by the state board of education.Whenever any child is identified by a town or regional board of education as a child requiring special education and said board of education determines that the requirements for special education could be met by a program provided within the district or by agreement with another board of education except for the child's need for services other than educational services such as medical, psychiatric, or institutional care or services, said board may meet its obligation to furnish special education for such child by paying the reasonable cost of special education instruction in a private school, hospital or other institution provided that said board or the secretary concurs that placement in such institution is necessary and proper and no state institution is available to meet his needs.

(e) Any town or regional school district which provides special education pursuant to any mandates in this section shall provide such transportation, tuition, room and board and other items as are necessary to the provision of such special education except for children who are placed in a residential facility because of the need for services other than educational services, in which case the financial responsibility of the school district and reimbursement to such district shall be limited to the reasonable costs of special education instruction as defined in the regulations of the state board of tion. *(2,3,5)*

CONN. STATS. TITLE 10, SECTION 10-76e

Any school district which agrees to provide special education as part of a long-term regional plan approved by the state board of education, for children requiring special education who reside in other school districts shall be eligible to receive a grant in an amount equal to the net cost to such district of providing, constructing or reconstructing and equipping appropriate facilities to be used exclusively for children requiring special education, provided such facilities shall be approved by the state board of education and shall be an adjunct to or connected with facilities for children in the regular school program, except when the state board of education determines that separate facilities would be of greater benefit to the children participating in the long-term special education program. Such grants shall be in addition to any grant received pursuant to section 10-286. Application for grants under this section shall be made to the state board of education at such time and in such manner as said board may prescribe. Said board may make such a grant in an amount equal to one hundred per cent of the cost of the facilities less any other public or private grants for such purpose. Upon certification of completion of the building project by the secretary, the comptroller shall pay the sum granted to the town or regional school district in a lump sum. *(3)*

CONN. STATS. TITLE 10, SECTION 10-76f

For the purposes of sections 10-76a to 10-76h, inclusive:

(a) "Per pupil cost" in a school district is the quotient of net current expenses, as defined in section 10-261, minus any state funds received under section 10-266c of the general statutes, as amended, divided by the number of children residing in and being educated at the expense of such district in average daily membership.

(b) "Special education personnel" includes any person engaged in special education in accordance with the regulations made pursuant to section 10-76a.

(c) "Special education equipment and materials" means such equipment and materials as are used primarily to implement special education in accordance with regulations made pursuant to said sections.

(d) "Special education tuition" means the tuition, board, room and other fees paid to another public or private school, agency, or institution by a board of education to meet the educational needs of children requiring special education, provided such payments have been pursuant to an agreement approved by the secretary, and any payments made by the board of education to supplement the expenditures for special education pursuant to section 10-94a of the general statutes, as amended, which have been approved by the secretary.

(e) "Special education transportation costs" are the amounts paid by a claimant town or regional board of education for transporting any child to and from any clinic, physician's office, agency, or institution to which the board requests the child to go for the purposes of determining the need for special education and amounts paid for transporting such child to and from any school, agency, or institution for the purposes of special education unless such transportation is on a bus which is transporting, at the same time, children in the standard educational program provided by the claimant board.

(f) "Special education rent" means any expenditure for rental of space or equipment to implement special education in accordance with regulations made pursuant to said sections.

(g) "Special education consultant services" means noninstructional services rendered concerning children requiring special education by professional persons other than employees of a board of education for programs approved pursuant to said sections.

(h) "Net cost of special education" means the result obtained by subtracting from the expenditures made by a claimant board for special education personnel, equipment, materials, tuition, transportation, rent, and consultant services, (1) the product of the per pupil cost and the number of school age children residing in and being educated at the expense of such district whose instructional program is provided primarily, as determined by the secretary, by special education personnel and (2) the total amount of any funds from other state or federal grants, private grants or special education tuition received by it in such year and used to implement special education programs approved pursuant to said sections. *(3)*

CONN. STATS. TITLE 10, SECTION 10-76g

Any school district which provides special education in accordance with regulations made pursuant to this act for any exceptional child shall be reimbursed in an amount equal to sixty-six and two thirds per cent of its net cost of special education for the preceding fiscal year except as hereinafter provided. . . . *(3)*

CONN. STATS. P.A. 793, SECTION 5

After July 1, 1967, the state board of education may spend up to thirty-six hundred dollars per year per child for the purpose of sending children who have perceptual learning disabilities and for whom there are no facilities for education in this state to schools, institutions or other places outside this state which furnish proper facilities for education of such children, provided no such financial assistance shall be provided for any child other than one who was enrolled in an out-of-state school or institution pursuant to section 10-94a of the 1965 supplement to the general statutes before July 1, 1967. Such funds may be spent outside the state for room, board, tuition, and other items necessarily relevant to the education of such children. Said board may determine whether a given child should be so enrolled and may make any regulations necessary to the implementation of this section. This section does not preclude the payment of funds by town or regional boards of education to supplement the expenditures provided by this section or enrollment of any child requiring special education in an out-of-state school or institution pursuant to section 10-76d and reimbursement for such costs pursuant to sections 10-76f and 10-76g. *(2,3)*

CONN. STATS. P.A. 793, SECTION 6

Children placed out by the welfare commissioner or by other agencies or persons shall be entitled to all free school privileges of the town where they then reside, except when such children are placed in hospitals or custodial institutions, other than those for which reimbursement is provided under section 10-266, the board of education of the town in which such hospital or institution is located shall furnish appropriate instruction, payment for which shall be made by the board of education of the town under whose jurisdiction such child would otherwise be attending school. This subsection does not apply to children placed in hospitals or custodial institutions pursuant to agreements made under section 10-76d of the 1967 supplement to the general statutes, as amended. *(2,3)*

DELAWARE

DEL. STATS. TITLE 14, SECTION 1703

"Unit" or "unit of pupil" means 25 pupils, or major fraction thereof, in grades one to six inclusive, or 20 pupils, or major fraction thereof, in grades seven to twelve inclusive. A major fraction shall be considered to be any fraction greater than one-half.

In the cases of exceptional children the following conditions for the calculations of the number of units shall prevail: . . . For those children in the classification designated as having "learning disabilities" the unit shall be eight. A major fraction shall be considered a unit and shall consist of any fraction greater than one-half. The number of children mentioned in this paragraph shall not be counted in any other calculation of units.

The State Board of Education shall provide through rules and regulations for the establishment of evaluation and placement committees in the school districts of the state, the purpose of which shall be to evaluate each potential candidate for enrollment in a class in the category known as learning disabilities and to recommend appropriate placement to the parents or legal guardian of such potential candidate and to the superintendent of the school district. Each evaluation and placement committee shall contain a psychologist and/or psychiatrist licensed to practice in Delaware. No school district shall be entitled to enroll more than 2% of its enrollment in this category described as "learning disability." No state expenditure for classes in the category known as "learning disabilities" shall be authorized unless the qualifications of the teacher and the instructional program shall have been approved by the State Board of Education. In any instance in which such an evaluation and placement committee certifies that a particular child cannot be adequately served in any of the units herein described for handicapped children, including the unit described by the term "learning disabilities" or where such a unit for learning disabilities is not available in the district of residence or a district within reasonable transportation distance of the home of the child, then the committee may recommend to the parents or legal guardian of such child and to the superintendent of the district that the child be authorized to attend a specialized public or private school in Delaware or in another state of the United States and that the district of residence be authorized to include in the budget of that district a separate amount to be drawn from state funds, which may be used to cover the cost of tuition, transportation, and housing for such a specialized assignment. Such amounts may be used up to but not in excess of an amount equal to the Delaware average expenditure per pupil as expended from state funds in the prior year. Any amount so authorized and allocated in the budget of the school district, shall not be counted against the allocation otherwise granted to that district for other unit purposes, nor shall the district count said student in the certified count by which units are determined for the school district. When the timing of the pupil evaluation and placement does not coincide with the timing of the budget presentation, then the amounts shall be provided from the Educational Contingency Fund. *(2, 3, 5)*

DEL. STATS. TITLE 14, SECTION 3101

As used in this Chapter:

. . ."Learning disability" means children who exhibit a disorder in one or more of the basic psychological or physiological processes involved in understanding and in using spoken or written languages. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling, or arithmetic. They include, but are not limited to, conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and/or developmental aphasia. They do not include learning problems which are due primarily to visual, hearing, or orthopedic handicaps, to emotional disturbance if these are provided for elsewhere, or to mental retardation, or to environmental disadvantage. *(1)*

FLORIDA

FLA. STATS. TITLE XV, SECTION 228.041

Specific definitions shall be as follows and wherever such defined words or terms are used in the Florida school code they shall be used as follows:

. . .(21)(a) The term "exceptional children" as used in the Florida School Code means any child or youth who has been certified by a specialist qualified under regulations of the state board of education to examine exceptional children, as one who is unsuited for enrollment in a regular class of the public schools or is unable to be adequately educated in the public schools without the provision of special classes, instruction, facilities or related services, or a combination thereof, to be properly educated or may include children with superior intellectual ability.

(b) The term "exceptional children" includes the following: the educable mentally retarded, the trainable mentally retarded, the speech impaired, the deaf and hard of hearing , the blind and partially sighted, the crippled and other health impaired, the gifted, the emotionally disturbed and socially maladjusted and those with specific learning disabilities.

(22)The term "special education services" means such related services in addition to instruction of the exceptional child as transportation, diagnostic and evaluation services, social services, physical and occupational therapy, job placement, orientation and mobility training, braillists, typists and readers for the blind, specified materials and equipment, and other such services as approved by regulations of the state board of education. *(1,3)*

FLA. STATS. TITLE XV, SECTION 228.13

Public schools of the state shall provide for thirteen (13) consecutive years of instruction which shall constitute the uniform system of public free schools prescribed by Section 1, Article XII of the State Constitution and which shall include the following:

. . .(3) Each district school board shall provide an appropriate program of special instruction, facilities, and related services for exceptional children; such programs shall be implemented in annual increments so that all exceptional children shall be served by 1973. *(2)*

FLA. STATS. TITLE XV, SECTION 230.23

The county board acting as a board shall exercise all powers and perform all duties listed below:

. . .(4) Adopt and provide for the execution of plans for the establishment, organization and operation of the schools of the county as follows:

. . . (m) Provide for an appropriate program of special instruction, facilities, and services for exceptional children as prescribed by the State Board of Education as acceptable including:

1, Necessary professional services for diagnosis and

evaluation of exceptional children,

2. Special instruction, classes and services within district school systems,

3. Contractural arrangements by district boards with approved private or nonpublic schools or community facilities, or

4. Within state institutions providing residential care. (3)

FLA. STATS. TITLE XV, SECTION 230.33

The county superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided that in doing so he shall advise and counsel with the county board. The recommendations, nominations, proposals, and reports required by law and regulation to be made to the county board by the county superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes and filed in the public records of the Board. It shall be presumed that, in the absence of the record required in this paragraph the recommendations, nominations and proposals required of the county superintendent were not contrary to the action taken by the county board in such matters.

. . . (6) Recommend the establishment, organization, and operation of such schools, classes, and services as are needed to provide adequate educational opportunities for all children in the county,including:

1. Recommend plans for the provision of special education classes, instruction, facilities, equipment and related services for exceptional children. (3)

FLA. STATS. TITLE XV, SECTION 232.01

Regular school attendance required between ages of seven (7) and sixteen (16); permitted at age of six (6); Exceptions include:

. . .(1)(f) Exceptional children who will have attained the age of three (3) years on or before January 1 of the school year shall be eligible for admission to public special education programs and for related services under rules and regulations prescribed by the school district board. (3)

HAWAII

HAW. STATS. TITLE 18, SECTION 296-45

The Department of Education may provide suitable transportation to and from school for all children in grades kindergarten to twelve and in special education classes. The department shall adopt such policy, procedures, and program, as it deems necessary to provide suitable transportation. In formulating the policy, procedure, and program, the department shall consider the school district, the school attendance area in which a school child normally resides, the distance the school child lives from the school, the availability of public carriers or other means of transportation, the frequency, regularity, and availability of public transportation, and the grade level, physical handicap, or special learning disability of a school child, and it may also consider such conditions and circumstances unique or peculiar to a county or area.

The department shall, in the manner provided in chapter 91, promulgate rules and regulations governing the supervision and administration of the transportation of school children under sections 296-45 and 296-46. (2)

IDAHO

IDAHO STATS. TITLE 33, SECTION 33-2001

Each public school district is responsible for the education and training of exceptional pupils resident therein.

Every public school district in the state may provide instruction and training for persons within the various school districts of the state to the age of twenty-one (21) years who are exceptional children as defined in this act and by the state board of education. The state board of education shall determine eligibility criteria for the exceptional children, qualifications of special teachers, and special personnel, programs of instruction and minimum standards for classrooms and equipment to be used in administering the provisions of this act. (3)

IDAHO STATS. TITLE 33, SECTION 33-2002

"Exceptional children" means those children whose handicaps, or whose capabilities, are so great as to require special education and special services in order to develop to their fullest capacity. This definition includes but does not limit itself to those children who are physically handicapped, mentally retarded, emotionally disturbed, chronically ill or who have perceptual impairment, visual or auditory handicap or speech impairment as well as those children who are so academically talented that they need special educational programs to achieve their fullest potential. (1)

IDAHO STATS. TITLE 33, SECTION 33-2002A

Special services for exceptional children may include those services provided by special education teachers, as well as ancillary and itinerant personnel such as: visting teachers, speech therapists, audiologists, school social workers, and psychologists. Supervisors of special education programs and directors of special education programs whose major responsibilities are in the supervision and administration of special education programs may be considered as providing services under this act.

"Ancillary personnel" are those persons who render special services to exceptional children in other than the regular or in addition to regular or special class instruction.

"Itinerant personnel" are those persons who render services to two or more schools , school districts, or locations, who are not assigned to an organized classroom, and who render services to exceptional children. (2)

IDAHO STATS. TITLE 33, SECTION 33-2003

The state board of education shall:

1. Establish an administrative unit to administer the provisions of this act;

2. Establish programs, set standards, and employ such supervisory and clerical personnel as may be required to assist and direct school districts in educating and training exceptional children;

3. Establish a research program to evaluate on-going programs, assess the number and types of exceptional children, and make recommendations;

4. Formulate, and when necessary, revise regulations and standards for the determination of eligiblity of children for special services, education and training. No child shall be enrolled or placed in any special education class nor shall any public funds be used for the education of such children except that a child be comprehensively evaluated in accordance with regulations and standards prescribed by the Department of Education and found to be eligible for special programs supported by this act. *(3)*

IDAHO STATS. TITLE 33, SECTION 33-2004

The trustees of a school district may contract for the education of exceptional children by another school district or by any private or public rehabilitation center, hospital, or corporation approved by the state board of education and agree to pay therefore to the institution, corporation, or district contracting to educate such students amounts computed as follows, for each student: To another school district, the annual tuition rate of the district receiving such pupils, as shown by the tuition certificate last issued to the district under the provisions of Section 33-1405. To a rehabiltation center, hospital, or corporation, the amount computed immediately hereabove, but in this case for the sending district; and, in addition, the proceeds to the district as computed under the handicapped child factor of the sending district's foundation program.

When public school districts contract for the education of exceptional children residing within the several districts,one district shall be designated as the educating district for the purpose herein.

Should any corporation provide a program of education for exceptional children, contracts and payments as herein authorized may be made to such corporation upon approval of the state board of education.

When any rehabilitation center, hospital, or corporation shall have contracted for the education of any exceptional children as defined in this act all such children shall be enrolled inthe district of their residence; and the institution, hospital or corporation shall, on June 30 of each year, certify to the home school district the daily record of attendance of each pupil. The home district shall be qualified to compute the average daily attendance of such pupils, and, together with other average daily attendance of exceptional children being educated in the district, if any, certify the same to the state board of education in the following annual report of the district. *(3)*

IDAHO STATS. TITLE 33, SECTION 33-2005

Special educational services may be rendered by any school district or school districts for enrolled exceptional children through the employment of full-time or part-time ancillary or itinerant personnel in accordance with the regulations and standards prescribed by the Department of Education. Whenever

a school district or school districts provide such services and employ such personnel in accordance with the Department of Education's standards each district or designated district shall include in its next following annual report a list of such personnel and the salaries paid; and the state board of education shall add eighty percent of the total thereof to the education foundation program of the district.

Whenever exceptional children as defined herein are grouped in a special education organized class they shall qualify under the handicapped child factor of the education foundation program. (2,3)

IDAHO STATS. TITLE 33, SECTION 33-2009

The board of trustees of each school district in the state shall each year on or before the tenth day of July report to the state board of education the number of exceptional children as defined in Section 33-2002, Idaho Code, and as further defined and described by the state board of education, residing within the district who are entitled to school privileges as exceptional children and shall compute the average district per pupil cost of providing special education for such children along with the projected plans and anticipated cost of providing special education during the following year and shall certify such to the state board of education. The trustees shall periodically, as requested by the state board of education, submit projected long range plans and a progress report of special education as provided within the district or jointly with another school district. (3)

MASSACHUSETTS

MASS. STATS. TITLE 1-12, SECTION 71-46K

The school committee of every town and regional school district shall ascertain, under regulations prescribed jointly by the department of education, the department of public health and the department of mental health, the number of school children of school age resident therein who have specific learning disabilities resulting from perceptual-motor handicaps, including problems in visual perception and integration, and the reading disability known as congenital dyslexia.

In any town or regional school district where there is a child who has any such learning disability, the school committee may provide special instruction periods in a place under the control of the school committee for the purpose of furnishing such child the type of instruction he requires.

In any town or regional school district where there are seven or more children who have any such learning disability, the school committee may establish a special class for the purpose of furnishing such children the type of remedial instruction they require, and may employ a teacher with special qualifications for such position. Such teacher may be deemed to be hired as a consultant and any probationery period may be waived for the purpose of obtaining certification. *(1, 2, 3)*

MASS. STATS. TITLE 1-12, SECTION 71-46L

The department, under regulations prescribed jointly by the departments of education, public health, and mental health, and upon the request of the parents or guardians and with the approval of the governor, may send such children having the specific learning disabilities described in section forty-six K as it considers proper subjects for special training and instruction to any school within the commonwealth affording remedial treatment for such children. The department may continue the special education of such children for such terms as may be recommended by the principal or other chief administrative officer of such school. *(2, 3)*

NEVADA

NEV. STATS. TITLE 34, SECTION 388.440

As used in NRS 388.440 to 388.540, inclusive, "physically or mentally handicapped minor" means a physically or mentally defective or handicapped person under the age of 21 years who is in need of education. Any minor who, by reason of physical or mental impairment, cannot receive the full benefit of ordinary education facilities shall be considered a physically or mentally handicapped person for the purposes of NRS 388.440 to 388.540, inclusive. Minors with vision, hearing, speech, orthopedic, mental and neurological disorders or defects, or with rheumatic or congenital heart disease, or any disabling condition caused by accident, injury or disease, shall be considered as being physically or mentally handicapped. *(1)*

NEV. STATS. TITLE 34, SECTION 388.450

1. The legislature declares that the basic support guarantee per pupil as expressed in NRS 387.122 establishes financial resources sufficient to insure a reasonably equal educational opportunity to physically handicapped or mentally retarded minors residing in Nevada.

2. Subject to the provisions of NRS 388.440 to 388.540, inclusive, the board of trustees of a school district shall make such special provisions as may be necessary for the education of physically handicapped or mentally retarded minors.

3. The board of trustees of a school district shall establish uniform rules of eligibility for instruction under the special education programs provided for by NRS 388.440 to 388.540, inclusive. The rules and regulations shall be subject to such standards as may be prescribed by the state department of education.

4. If the superintendent of public instruction finds that it is impossible for the board of trustees of a school district to comply with the mandatory requirements of this section because the number of physically handicapped or mentally retarded minors within the school district is so small, the distance to another public school where such instruction is offered is so great or the services of a qualified teacher cannot be obtained, the provisions of subsections 2 and 3 shall not apply to such school district.

5. Nothing in this section shall be construed to require a board of trustees of a school district, in any school year, to make special provisions for the education of physically handicapped or mentally retarded minors in excess of the number determined to be 2 1/2 percent of the total pupil enrollment of the school district. *(3)*

NEV. STATS. TITLE 34, SECTION 388.490

Handicapped minors may be admitted at the age of three years to special schools or classes established for such minors, and their attendance shall be counted for apportionment purposes as if they were already six years of age. *(3)*

NEV. STATS. TITLE 34, SECTION 388.500

Physically or mentally handicapped minors may be instructed in special

ungraded schools or classes for the instruction of handicapped minors. Boards of school trustees are also authorized to purchase sites and erect buildings for such purposes in the same manner as other school sites or school buildings may be purchased and erected, or boards of school trustees may rent reasonably suitable property at an economical rental for special or ungraded rooms without being so directed by vote of the district; or boards of school trustees may accept gifts or donations of sites and buildings for such purposes. (3)

NEV. STATS. TITLE 34, SECTION 388.510

The board of school trustees of a school district may provide for the transportation of pupils assigned to special schools or classes for physically or mentally handicapped pupils. (2)

NEV. STATS. TITLE 34, SECTION 388.520

The State Department of Education shall prescribe minimum standards for the special education of physically or mentally handicapped minors, and no apportionment of state funds shall be made by the superintendent of Public Instruction to any school district on account of the instruction of physically or mentally handicapped minors until the program of instruction maintained therein for such handicapped minors is approved by the State Department of Education as meeting the prescribed minimum standards. (3)

NEV. STATS. TITLE 34, SECTION 387.125

. . . 2. Immediately after the State Controller shall have made his quarterly report, the State Board of Education shall apportion the State Distributive School Fund among the several county school districts and joint school districts in the following manner:

(a) . . . (5) $500 per handicapped child as defined in N.R.S. 388.440. . . . (3)

NEW JERSEY

N.J. LAWS SECTION 18a:46-1

As used in this chapter a handicapped child shall mean and include any child who is mentally retarded,visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted or multiply handicapped. (1)

N.J. LAWS SECTION 18a:46-2

The commissioner shall be responsible for the coordination of the work of the county departments of child study and the general administration of special educational services in the public schools of this state.

In order to carry out the provisions of this chapter, he shall appoint to his staff persons qualified to administer educational services in the general field of education for handicapped children including each of the following disability groups: (1) mentally retarded, (2) orthopedically handicapped, (3) communication handicapped, (4) visually handicapped, (5) neurologically or perceptually impaired, (6) chronically ill, (7) emotionally disturbed, (8) socially maladjusted, (9) and the auditorily handicapped, and a consultant experienced in child psychiatry and specialists in school psychology, health service, school social work, learning disabilities and special education and such other qualified personnel as he shall deem necessary and he shall fix their compensation with the approval of the state board.

The commissioner shall appoint biannually an advisory council with the approval of the state board which will consist of not less than seven nor more than 15 members representative of professional and lay interests. The advisory council shall advise in the promulgation of rules, regulations and the implementation of this chapter and the establishment of standards and qualifications for the professional personnel. The council shall serve without remuneration. (3,4)

N.J. LAWS SECTION 18a:46-10

Pupils identified as needing special education services to ameliorate or to prevent the development of learning handicaps shall be classified according to their ability to benefit from specified types of educational service, and such educational service shall be conducted according to rules and regulations prescribed by the commissioner, with the approval of the state board, and may include, but need not be limited to:

a. case work with the pupil at home or school,
b. counseling or guidance,
c. remedial instruction,
d. special scheduling of a school program including part-time attendance in special or regular groups,
e. referral to other agencies or institutions for special services,
f. special grouping in schools for children whose prognosis is favorable for return to the regular program, and
g. arrangement through the commissioner for direct services through the county department of child study. (2)

N.J. LAWS SECTION 18a:46-14

The facilities and programs of education required under this chapter shall be provided by one or more of the following:

a. A special class or classes in the district, including a class or classes in hospitals, convalescent homes, or other institutions;
b. A special class in the public schools of another district in this State or an adjoining or nearby state;
c. Joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts;
d. A jointure commission program;
e. A State of New Jersey operated program;
f. Instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education with the consent of the commissioner, the handicapped pupil will be best served thereby;
g. Sending children capable of benefiting from a day school instructional program to privately operated nonprofit day classes, in New Jersey or an adjoining State or a nearby State and within 400 miles of Trenton, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the commissioner it is impractical to provide services pursuant to subsections a,b,c,d,e, or f otherwise;
h. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsections a,b,c,d,e,f, or g otherwise.

Whenever any child shall be confined to a hospital, convalescent home, or other institution in New Jersey or an adjoining or nearby State and is enrolled in an education program approved under this article, the board of education of the district in which the child is domiciled shall pay the tuition of said child in the special education program upon determination, that it is advisable for the child to be so confined.

The board of education may also furnish: (a) the facilities or programs provided in this article to any person over the age of 20 who does not hold a diploma of a high school approved in this State or in any other State in the United States, (b) suitable approved facilities and programs for children under the age of 5. *(2,3)*

N.J. LAWS SECTION 18a:46-8

Each handicapped child shall be identified, examined and classified according to procedures, prescribed by the commissioner of education and approved by the state board, under one of the following categories: mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted or multiply handicapped. *(5)*

NEW MEXICO

N. MEX. STATS. CHAPTER 77, SECTION 77-11-3

A. Upon approval of the state board of education any school district may receive distribution from the equalization fund by conforming to the requirements of this section. The amount of basic distribution that a school district may receive as a contribution for this purpose shall be determined as provided in Section 77-6-18, 77-6-19 and 77-6-29 NMSA 1953.

B. With prior approval of the state superintendent, special educational facilities or training may be made available within a school district for handicapped children as defined in Subsection D. A school district may, with the approval of the state superintendent, make an agreement with another school district to educate or train handicapped children residing in the school district. The agreement may provide for the payment for any special educational facilities or training provided for handicapped children. Handicapped children shall be regarded as eligible for special educational facilities or training pursuant to this section only as long as benefit to them from such facilities and training can be determined to exist. The state board shall authorize a survey to be made of all handicapped children residing in the state and allocate necssary funds for such a survey.

C. In addition to all other budgetary requirements established by law fixing the number of certified school instructors for budgetary purposes, a school district may be allowed additional full-time certified school instructors on the following basis.

(1) not including the speech-handicapped child, a school district may be allowed an additional full-time certified school instructor for each five to fifteen handicapped children in the school district attending special educational facilities or taking training in the school district. A school district may be allowed an additional part-time instructor where less than five handicapped children are attending special educational facilities or taking training in the school district;

(2) a school district may be allowed an additional full-time certified speech pathologist for each eighty speech-handicapped children residing in the school district. A school district may be allowed an additional part-time certified speech pathologist where less than eighty speech-handicapped children reside in the school district; and

(3) not including the speech-handicapped child, a school district may be allowed an additional full-time certified school specialist for each two hundred handicapped children for each type of handicapped condition. A school district may be allowed an additional part-time certified school specialist where less than two hundred handicapped children reside in the school district.

D. As used in this section:

(1) "handicapped children" includes all persons of school age to twenty-one years of age inclusive who require special education in order to obtain the education of which they are capable because they are edu-

cably mentally handicapped, trainable mentally handicapped, blind partially sighted, deaf, hard of hearing, speech defective, crippled or neurological and other health impaired or are emotionally maladjusted to the extent that they cannot make satisfactory progress in the regular school program;

(2) "special education" includes special instruction for handicapped children in, or in addition to, regular classes, special classes, special services, home instruction and hospital instruction; and

(3) "special services" includes transportation, tutorial service, teacher-aides, equipment, psychometric testing and other materials and services approved by the state superintendent.

E. A handicapped child shall be certified as eligible to receive special education in accordance with diagnostic standards appropriate to the type of handicap set by the state board of education. Certification shall require a determination made upon the advice of qualified educational, psychological and medical examiners approved by the state superintendent that the child is capable of benefiting from special education. *(1, 2, 3, 5)*

N. MEX. STATS. CHAPTER 77, SECTION 77-11-3.1

A. A local school board may, with approval of the superintendent of public instruction, make agreements with nonprofit training centers for educating or training handicapped students within their school district and provide for payment for such education or training. The superintendent of public instruction shall not approve any agreement pursuant to this section where the nonprofit training center does not meet the standards established by the state board of education for programs for instruction for handicapped students in public schools.

B. Handicapped students attending a nonprofit training center shall be counted in the school district membership on the same basis as other nonhandicapped students. The distribution shall be made to the school district purchasing the services from the nonprofit training center from the appropriation for the basic program distribution. *(2, 3)*

OKLAHOMA

OKLA. STATS. TITLE 70, SECTION 1210.52

. . . It is the further intention of the Legislature to increase and improve the educational opportunities of the children of Oklahoma through increased financial support of the public schools in order to allow local school districts more ample funds:

. . .(e) to provide special education for children with learning disabilities; . . . *(3)*

OKLA. STATS. TITLE 70, SECTION 13-1

The several school districts of Oklahoma are hereby authorized to provide special education necessary for exceptional children as hereinafter defined. Two or more school districts may establish cooperative programs of special education for exceptional children when such arrangement is approved by the State Board of Education. The county superintendent of schools of any county may establish and maintain a special education program, with the approval of the State Board of Education, and county funds may be expended for such purpose. Any school district or districts located wholly or in part in a county may participate in any such program so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program. Exceptional children shall mean gifted children, educable mentally-handicapped children, trainable mentally-retarded children, speech-defective children, emotionally-disturbed or perceptually-handicapped children, children with special health problems, children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple-handicapped children, and other handicapped children of four(4) years of age as of the first day of November of the school year and blind and partially blind children and deaf and hard of hearing children two (2) years of age who are bona fide residents of this state whose condition is such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education requires a modification of the classroom program. Provided that the attendance of said children in special education classes shall be included in the average daily attendance computations for State Aid purposes as included in the Foundation Program appropriations. *(1, 2, 3)*

OREGON

ORE. STATS. TITLE 30, SECTION 343.212

As used in ORS 343.212 to 343.285 unless the context requires otherwise:

(1) "Crippled or physically handicapped" means a disability which has been diagnosed as permanent or which has extended over a two-month period.

(2) "Handicapped children" includes all persons under 21 years of age who require special education in order to obtain the education of which they are capable, because they are blind, partially sighted, deaf, hard of hearing, speech defective, crippled or physically handicapped, have extreme learning problems or are socially or emotionally maladjusted to the extent that they cannot make satisfactory progress in the regular school program.

(3) "Special education" includes special instruction for handicapped children in or in addition to regular classes, special classes, special schools, special services, home instruction and hospital instruction.

(4) "Special services" includes transportation, reader service, special equipment, psychometric testing and such other materials and services as are approved by the Superintendent of Public Instruction. *(1, 2, 3)*

ORE. STATS. TITLE 30, SECTION 343.221

Subject to the approval of the Superintendent of Public Instruction, thedistrict school board of any school district in which there are children under 21 years of age who require special education:

(1) Shall provide special education for such children as part of the district's educational program; or

(2) May, when the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for the instruction of such children in a school district maintaining appropriate special education. The contract price of such instruction shall equal the cost of special education.

(3) May use the clinical services of public agencies which provide psychiatric services for children. *(2)*

ORE. STATS. TITLE 30, SECTION 343.227

(1) In order to receive special education, a handicapped child shall be certified as eligible for such services by the Superintendent of Public Instruction or under a school district program approved under ORS 343.221. Certification requires a determination made on the advice of qualified educational and medical authorities that the child has the mental health and ability to benefit from special education and which shall include a medical examination. However:

(a) The district school board may waive a medical examination

of children who are eligible for special education because of speech defects or extreme learning problems.

(b) A medical or visual examination may be required when the children have received special education but have not made satisfactory progress therein.

. . . (3) The examinations required by subsection (1) of this section shall be given: (a) in the case of the medical examination, by a physician licensed to practice by the Oregon Board of Medical Examiners; and (b) in the case of the visual examination, by an ophthalmologist or optometrist licensed by the State of Oregon. *(5)*

PENNSYLVANIA

PA. STATS. TITLE 24, SECTION 13-1376

(A) When any child between the ages of six (6) and twenty-one (21) years of age resident in this commonwealth, who is blind or deaf, or afflicted with cerebral palsy and/or brain damage and/or muscular dystrophy, is enrolled, with the approval of the department of public instruction, as a pupil in any of the schools or institutions for the blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, under the supervision of, subject to the review of or approved by the department of public instruction, in accordance with standards and regulations promulgated by the Council of Basic Education, the school district in which such child is resident shall pay twenty-five percentum (25 percent) of the cost of tuition and maintenance of such child in such school or institution, as determined by the department of public instruction, and the commonwealth shall pay, out of funds appropriated to the department for special education, seventy-five percentum (75 percent) of the cost of their tuition and maintenance, as determined by the department. If the residence of such child in a particular school district cannot be determined, the commonwealth shall pay, out of moneys appropriated to the department for special education, the whole cost of tuition and maintenance of such child. In no event shall the total cost of tuition and maintenance of any such child exceed three thousand five hundred dollars ($3,500) per year.

(B) When any person less than six (6) or more than twenty-one (21) years of age resident in this commonwealth, who is blind or deaf, or afflicted with cerebral palsy and/or brain damage and/or muscular dystrophy, is enrolled, with the approval of the department of public instruction, as a pupil in any of the schools or institutions for the blind or deaf, or cerebral palsied and/or brain damaged and/or muscular dystrophied, under the supervision of or approved by the department of public instruction, the commonwealth shall pay to such school or institution, out of moneys appropriated to the department for special education, the cost of tuition and maintenance of such person, as determined by the department of public instruction,subject to review and approval in accordance with standards and regulations promulgated by the Council of Basic Education, and in addition, in the case of any child less than six (6) years of age, who is blind, the cost, as determined by the department of public instruction, of instructing the parent of such blind child in caring for such child. In no event shall the total cost of tuition and maintenance of such child exceed three thousand five hundred dollars ($3,500) per year. . . . (2, 3)

PA. STATS. TITLE 24, SECTION 13-1377

(A) To facilitate payments by the several school districts to the schools or institutions in which deaf or blind, or cerebral palsied and/or brain damaged and/or muscular dystrophied, or socially or emotionally disturbed children are enrolled, of amounts due by such districts for their proportion of the cost of tuition and maintenance of such children, the superintendent of public instruction shall withhold from any moneys due to such districts out of any state appropriation for the assistance as reimbursement of school districts, the amounts due by such districts to such schools or institutions for the blind or deaf, or the cerebral palsied and/or brain damaged and/or muscular dystrophied or the socially or emotionally disturbed. Amounts

so withheld shall be paid to such schools or institutions by warrant of the auditor general upon the state treasurer, after requisition of the superintendent of public instruction, for which purpose all amounts so withheld are hereby specifically appropriated to the department of public instruction.

(B) Payments of the commonwealth's proportion of the cost of tuition and maintenance of. . .cerebral palsied-and/or brain damaged and/or muscular dystrophied. . . . pupils enrolled in schools or institutions for the . . . cerebral palsied and/or brain damaged and/or muscular dystrophied, . . . shall be made quarterly, out of moneys appropriated to the department of public instruction for special education, by warrant of the auditor general upon the state treasurer, after requisition by the superintendent of public instruction. In no event shall the total payment for the cost of tuition and maintenance of any such child exceed three thousand five hundred dollars ($3,500) per year. The maximum amount payable for the cost of tuition and maintenance of such children shall be subject to review at least once every four years for the purpose of recommending an adjustment thereof.

(C) For the purpose of enabling the department of public instruction to determine from time to time what amounts are due to schools for the blind or for the deaf or for the cerebral palsied and/or brain damaged and/or muscular dystrophied or for the socially or emotionally disturbed hereunder, such schools shall forward to the department, at such times and in such forms as the department shall prescribe, sworn statements setting forth the names, ages, and residences of all pupils enrolled hereunder, specifying the school districts liable for a part of the cost of tuition and maintenance of any such pupils, the per capita cost of and maintenance of pupils, and such other information as the department shall require.

(3)

SOUTH DAKOTA

S. DAK. STATS. TITLE 13, SECTION 13-15-1

. . . A school district is further hereby authorized to enter into contracts with nonprofit private schools and institutions for special educational services for children of the school district who have learning disabilities provided that such school or educational services are approved by the State Board of Education for assignment of such children on an individual basis by the Department of Public Instruction and the instructors of such school meet the certification requirements of the State Board of Education. *(2,3)*

TEXAS

TEXAS 60th LEG., R.S., CHAPTER 451, SECTION 1
VACS 2654-1c
Temporary law expires 8/31/70

SHORT TITLE

SECTION 1

This act may be cited as the "Barnes-Wright Study Act."

DEFINITIONS

SECTION 2

(a) In this Act, unless the context requires a different meaning,

(1) "agency" means the Texas Education Agency;

(2) "commissioner" means the Commissioner of Education of the Texas Education Agency; and

(3) "council" means the Advisory Council for Langauge-Handicapped Children created by this Act.

(b) In this Act, the term "language-handicapped child" means a child who is deficient in the acquisition of language skills due to language disability where no other handicapping condition exists.

COUNCIL

SECTION 3

(a) There is hereby established the Advisory Council for Langauge-Handicapped Children.

(b) The council consists of 12 members appointed by the Governor.

(c) The Governor shall designate the chairman of the council. A majority of the appointed members, at the call of the chair, shall organize and elect the other officers that the council deems necessary.

(d) A council member serves, at the pleasure of the Governor, from the date of his appointment until August 31, 1970.

(e) A member of the council serves without compensation, but, upon voucher signed by the chairman of the council and approved by the commissioner, is entitled to receive reimbursement for actual expenses incurred while traveling on official council business.

(f) A majority of the council is a quorum for the conduct of business.

(g) The duty of the council is to study the problems of language-handicapped children and to advise the commissioner and the agency in the development of programs designed to diagnose and treat the problems of langauge-handicapped children.

(h) The council shall report to the 62nd Legislature its findings and

recommendations concerning the establishment of statewide diagnostic and treatment facilities for language-handicapped children.

(i) The Governor shall appoint the members of the council as soon after the effective date of this Act as possible. Because of the diverse nature of the problem of language-handicapped children, the Governor is hereby encouraged by the Legislature to make some appointments from the fields of psychology, medicine,and education.

POWERS AND DUTIES OF THE AGENCY

SECTION 4

(a) The agency, with the advice of the council, shall develop programs designed to diagnose and treat the problems of langauge-handicapped children.

(b) The agency, with the advice of the council, shall establish at least three regional experimental diagnostic facilities.

(c) The agency shall develop rules, regulations, and guidelines governing the operation of the experimental diagnostic facilities.

(d) The agency may make the necessary agreements and contracts to establish the regional diagnostic facilities provided in Subsection (b) of this section.

(e) The agency shall actively seek the advice and cooperation of all appropriate public agencies and private institutions in the development of a program of diagnosis and treatment of language-handicapped children.

(f) The agency is directed to seek and may accept grants from public and private sources to finance research and to develop a program designed to diagnose and treat language-handicapped children.

(g) The agency shall provide necessary staff, offices, and facilities for the council to conduct its business.

COMMISSIONER TO REPORT

SECTION 5

The commissioner shall transmit to the 61st Legislature an interim report on the status of the research into the problem of diagnosing and treating language-handicapped children. He shall include in his report an itemized estimate of the money required to satisfactorily conclude the research project by August 31, 1970.

COUNCIL DISSOLVED

SECTION 6

The council created by this Act ceases to exist at midnight August 31, 1970.

SECTION 7

The provisions of this Act take effect on September 1, 1968. *(4)*

TEXAS 60th LEG., R.S. SENATE BILL 230
Amends Article 2922-13, Section 1, Subsection (4)a
VACS

SECTION 1

Subsection (4)a of Section 1 of Article III, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as last amended by Chapter 447, Acts of the 59th Legislature, Regular Session, 1965 (Article 2922-13, Vernon's Texas Civil Statutes), is amended to read as follows:

"(4) Comprehensive Special Education Program for Exceptional Children.

"a. It is the intention of this Act to provide for a comprehensive special education program for exceptional children in Texas. For purposes hereof:

" 'Exceptional children' means children between the ages of three (3) and twenty-one (21) inclusive with educational handicaps (physical, retarded, emotionally disturbed, and/or children with language and/or learning disabilities) as hereinafter more specifically defined; and children leaving and not attending public school for a time because of pregnancy -- which disabilities render regular services and classes of the public schools inconsistent with their educational needs.

. . . " ' Language and/or learning disabled children' means children who are so deficient in the acquisition of language and/or learning skills including, but not limited to, the ability to reason, think, speak, read, write, spell, or to make mathematical calculations, as identified by educational and/or psychological and/or medical diagnosis that they must be provided special services for educational progress. The term 'language and/or learning disabled children' shall also apply to children diagnosed as having specific developmental dyslexia.

" ' Special services' required for the instruction of or program for exceptional children means special teaching in the public school curriculum within and/or without the regular classroom; corrective teaching, such as lipreading, speech correction, sight conservation, corrective health habits, transportation, special seats, books, instructional media and supplies; professional counseling with students and parents; supervision of professional services and pupil evaluation services; established teaching techniques for children with language and/or learning disabilities.

"(a-1) Under rules, regulations, and/or formulae. adopted by the State Board of Education subject to the provisions of this Act, exceptional children teacher units, in addition to other professional and paraprofessional unit allotments herein authorized, shall be allotted to any eligible school district in the number determinable thereunder. Exceptional children teacher units for pupils who are both severely physically handicapped and mentally retarded shall be allocated on a separate formula from other type units.

"(A) Professional personnel. Professional personnel for the operation and maintainance of a program of special education shall be:

"(i) Exceptional Children teachers;
"(ii) Special education supervisors;
"(iii) Special education counselors;
"(iv) Special service teachers, such as itinerant teachers of the homebound and visiting teachers, whose duties may or may not be performed in whole or in part on the campus of any school;
"(v) Psychologists and other pupil evaluation specialists. The minimum salary for such specialist to be used in computing salary allotment for purposes of this Act shall be established by the State Commissioner of Education.

"(B) Paraprofessional personnel. Paraprofessional personnel for the operation and maintenance of a program of special education shall consist of persons engaged as teacher aides, who may or may not hold a teacher certification. The qualifications and minimum salary levels of paraprofessional personnel for salary allotment purposes of this Act shall be established by the State Commissioner of Education.

"(a-2) Quantitative bases for the allotment of all special education unit personnel under Subdivision (a-1) shall be established by the State Commissioner of Education under rules adopted by the State Board of Education. Any school district, at its expense, may employ any special education personnel in excess of its state allotment, may supplement the minimum salary allotted by the state for any special education personnel, and any district is authorized at local expense to pay for all or part of further continuing training or education of its special education personnel.

"(a-3) Special education unit personnel may be employed and/or utilized on a full-time, part-time or upon a consultative basis, or may be allotted by the State Commissioner of Education, pursuant to cooperative districts' agreement, jointly to serve two (2) or more school districts. Two (2) or more school districts may operate jointly their special education program and any school district may contract where feasible with any other school district for all or any part of the program of special education for the children of either district, under rules and regulations established by the State Commissioner of Education.

"(a-4) To each school district operating an approved special education program there shall also be allotted a special service allowance in an amount to be determined by the State Commissioner of Education for pupil evaluation, special seats, books, instructional media, and other supplies required for quality instruction.

"To each school district operating an approved special education program, there shall be allotted also a transportation allowance for transporting of children in special education programs who are unable to attend the special education program for exceptional children in public school unless such special transportation is provided. The annual transportation allotment shall be one hundred and fifty dollars ($150) per exceptional child pupil receiving such transportation. Such allocated transportation funds shall be used only for transportation purposes for children who are enrolled in a program of special education or who are eligible for such enrollment.

. . . "(a-8) Under rules and regulations of the State Board of Education, eligible school districts may contract with nonprofit community mental health and/or mental retardation centers, public or private, or any other nonprofit organization, institution, or agency approved by the State Board of Education, for the provision of services to exceptional children as defined by this Act, who reside with their parents or guardians.

"(a-9) Special education program units shall be included in determining the total current operating cost for each district."

SECTION 2

The Foundation School Fund Budget Committee shall compute all amounts required for comprehensive special education program purposes to be included in the amounts to be placed in the Foundation School Fund for the ensuing biennium at the same time that certifications are made for other Foundation School Fund purposes.

SECTION 3

In addition to the appropriation made from the Foundation School Fund by a General Appropriation Bill enacted by the 61st Legislature, and supplemental thereto there is hereby appropriated for the biennium ending August 31, 1971, all moneys allocated to the Foundation Fund by Chapter 335, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 7083a, Vernon's Texas Civil Statutes), and any balances remaining in the Foundation School Fund at the end of each fiscal year to pay the state's part of the Foundation School Program as provided for in Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended, by this Act.

There is hereby specifically appropriated out of the moneys in the General Revenue Fund not otherwise appropriated the amount necessary for each month if on a monthly basis, or each year if on a yearly basis, for the fiscal years of the biennium ending August 31, 1971, to pay the full amounts contemplated and provided by Chapter 335, Acts of the 51st Legislature, Regular Session, 1949, as amended, should there be insufficient money in the fund created by said Chapter 335 to carry out in full the purpose and provisions of said Chapters 335 and 334, Acts of the 51st Legislature, Regular Session, 1949, as amended , by this Act. The above appropriation shall be expended under the terms and provisions of Chapters 334 and 335, as amended, and by the same officers named therein respectively.

SECTION 4

This amendatory Act shall be effective when cited in a General Appropriation Act but in no event shall the effective date be later than September 1, 1970, and thereafter.

SECTION 5

The fact that since the need for special education and special services for exceptional children does not occur uniformly throughout the state, the method for the financing thereof should be shifted to state and federal sources, and the further fact that the provisions currently in the Foundation School Program Act relating to exceptional children are inadequate and need to be broadened to provide additional and more

adequate services and a comprehensive program for exceptional children between the ages as defined herein, create an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect as provided for in Section 4 of this Act, and it is so enacted. (1, 2, 3, 5)

2

WASHINGTON

WASH. ENGROSSED SENATE BILL NO. 457, LAWS OF 1969

PART I. SECTIONS AFFECTING CURRENT LAW.

SECTION 1

Section 1, Chapter 92, Laws of 1951 and RCW 28.13.010 are each amended to read as follows:

There is established in the office of the superintendent of public instruction a division of special educational aid for handicapped children to be known as the division for handicapped children. Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of social or emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration: PROVIDED, That no child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

PART II. SECTIONS AFFECTING PROPOSED 1969 EDUCATION CODE.

SECTION 2

Section 28A.13.010, chapter . . . , Laws of 1969 (HB 58) and RCW 28A.13.010 are each amended to read as follows:

There is established in the office of the superintendent of public instruction a division of special educational aid for handicapped children to be known as the division for handicapped children. Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of social or emotional maladjustment or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration: PROVIDED, That no child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

PART III. CONSTRUCTION.

SECTION 3

The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II

shall concomitantly become effective. It is the further intent of the legislature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs than any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall be construed as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part II shall be construed as being in pari materia with the 1969 education code. . . . [1, 3]

WEST VIRGINIA

W. VA. CODE, CHAPTER 18, ARTICLE 20, SECTION 1

In accordance with the following provisions, county boards of education throughout the state having five or more exceptional children of any one of the types or classifications thereinafter provided for shall establish and maintain special schools,classes, home-teaching or visiting-teacher services for such type or classification in order to provide for educating exceptional children between the ages of six and twenty-one, but who differ from the average or normal in physical, mental or emotional characteristics, or in communicative or intellectual deviation characteristics,or in both communicative and intellectual deviation characteristics, to the extent that they cannot be educated safely or profitably in the regular grades of the public schools, and for whom special educational provisions need to be made in order to educate them in accordance with their capacities, limitations and needs. In addition, county boards of education may establish and maintain other educational services for such types or classifications as the state superintendent of free schools may approve.

The general types and classifications of exceptional children for whom provision may be made under this article are the following areas of exceptionality: visually impaired,hearing impaired, physically or orthopedically handicapped, epileptic, mentally retarded, speech handicapped, multiple handicapped, autistic, intellectually gifted, socially or emotionally maladjusted including the delinquent, learning disabilities both physical and psychological and any other areas of exceptionality which are identified and approved by the state superintendent of free schools.

By the school year beginning on the first day of July, one thousand nine hundred seventy-four, county boards of education shall establish and maintain these special schools, classes, home-teaching and visiting-teacher services. The state superintendent of free schools shall adopt rules and regulations to advance and accomplish this program.

Nothing in this section shall be construed to prevent county boards of education from providing special schools, classes, home-teaching, or visiting teacher's services for exceptional children between the ages of three and six. *(1, 2, 3)*

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